

FILED IN OPEN COURT
U.S.D.C. Atlanta

JUN 17 2008

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA :
 : CRIMINAL ACTION
 v. :
 : NO. 4:08-MJ-21
 JAMES BARTHOLOMEW HUSKEY :

GOVERNMENT'S MOTION FOR DETENTION

Comes now the United States of America, by and through its counsel, David E. Nahmias, United States Attorney, and Francey Hakes, Assistant United States Attorney for the Northern District of Georgia, and pursuant to 18 U.S.C. §§ 3142(e) and (f) moves for detention for the above-captioned defendant.

1. Eligibility of Case.

This case is eligible for a detention order because this case involves (check all that apply):

- ☒ Crime of violence (18 U.S.C. § 3156)
☐ Maximum sentence of life imprisonment or death
☐ 10 + year drug offense
☐ Felony, with two prior convictions in the
above categories
☒ Serious risk the defendant will flee
☒ Serious risk of obstruction of justice

2. Reason for Detention.

The Court should detain defendant because there are no conditions of release that will reasonably assure (check one or both):

 x Defendant's appearance as required

 x Safety of any other person and the community

3. Rebuttable Presumption.

The United States will invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (check one or more):

 There is probable cause to believe defendant committed 10 + year drug offense.

 There is probable cause to believe defendant committed an offense in which a firearm was used, carried, or possessed under § 924(c).

 Defendant has been charged with a federal offense that is described in § 3142(f)(1), and

(1) defendant has been convicted of a Federal offense that is described in § (f)(1) of this section, or of a State or Local offense that would been an offense described in § (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

(2) the offense described in paragraph (1) was committed while defendant was on release pending trial for a Federal, State or local offense; and

(3) A period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

 X [Circle one] This is an offense involving a minor under 18 U.S.C. § 1201, or an offense under 18 U.S.C. § 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

4. Time for Detention Hearing.

The United States requests the Court conduct the detention hearing:

 At the initial appearance.

 X After continuance of 3 days (not more than 3).

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Dated: this 17th day of June, 2008.

Respectfully submitted,

DAVID E. NAHMIAS
UNITED STATES ATTORNEY

A handwritten signature in cursive script, appearing to read "Francey Hakes", written in dark ink.

FRANCEY HAKES
ASSISTANT U.S. ATTORNEY
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(404) 581-6185
Ga. Bar No. 317420

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by hand delivery:

Matt Dodge
Federal Defender Program

This 17th day of June, 2008.

A handwritten signature in cursive script, reading "Francey Hakes".

FRANCEY HAKES
ASSISTANT UNITED STATES ATTORNEY